

AMENDMENTS TO THE DRAWINGS

Attached hereto, as Appendix C of this document, are new Figures 1 to 16 for entry in this application. The new drawings do not introduce new matter.

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REMARKS

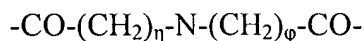
A. Status of the Claims

Claims 1-52 were pending in this application, of which claims 1-2, 5, 7-9, 11-14, 16-17, 20, 22, 24, 26-29, 31-38, 40-42 and 44-52 are under consideration. Claims 3-4, 6, 10, 15, 18-19, 21, 23, 25, 30, 39 and 43 have been withdrawn from consideration as directed to non-elected species of Applicants' claimed invention. Applicants respectfully submit that the withdrawn claims should be rejoined upon a finding that any generic claim, encompassing the elected and non-elected species, is allowable.

Claims 10-11, 15, 25-26, 30, 45 and 49 have been canceled and claims 1-2, 4, 12-13, 16-17, 19, 27-28, 31-32, 46, 48 and 50-52 have been amended. Hence, claims 1-9, 12-14, 16-24, 27-29, 31-44, 46-48 and 50-52 will be pending upon the entry of this amendment. The foregoing amendments are made without admission and without prejudice to Applicants' right to pursue any subject matter canceled or surrendered by the amendments in either this or other (*e.g.*, related divisional and/or other continuing) applications.

B. Summary of the Amendments

Independent claims 1 and 16 have been amended, in particular, to incorporate limitations that were previously recited in dependent claims 45 and 49. Specifically, the amended independent claims specify preferred embodiments where the peptide moiety comprises at least two peptide monomers that are joined by a linker moiety with the structure:



in which the N of the linker moiety is covalently attached to the Y substituent of the recited spacer moiety. The amended claims also specify that the Y substituent is a CO substituent. Dependent claims 2, 4, 12-13, 17, 19, 27-28, 31-32, 46, 48 and 50-52 have been amended so that they are consistent with the language of the amended independent claims. In addition, dependent claims 50-52 have been amended to correctly specify that they are directed to a "composition"

rather than to a “compound”. Hence, none of the claim amendments introduces new matter to the application.

The specification has also been amended and new figures have been introduced pursuant to 37 C.F.R. §§ 1.121(b)(3) and (d). In particular, the specification has been amended to delete the chemical reaction “schemes” at pages 31-51 of the original specification. Those “schemes” are now shown in new Figures 1-16, presented in the new drawing sheets attached to this Response at Appendix C. The specification has also been amended to incorporate a brief description of those new figures, and to refer to them where the reaction “schemes” had been originally shown.

Because the number and nature of the amendments to the specification might render it difficult to consider the application and/or to arrange the papers for printing and copying, Applicants are presenting those amendments in the form of a substitute specification in accordance with 37 C.F.R. §§ 1.125(b) and (c). The substitute specification is attached to this Response at Appendix A, with marking to indicate changes relative to the specification as amended on November 1, 2005 and June 22, 2006. A clean copy of the amended specification is also attached at Appendix B. The substitute specification and new drawings do not include any new matter.

Entry and consideration of the foregoing amendments to the claims, specification and drawings are respectfully requested.

C. The Objections to the Specification Have Been Obviated

The Examiner has objected to the specification as failing to comply with the requirements of 37 C.F.R. § 1.58(a). In particular, the Examiner argues that pages 31-51 of the specification include “schemes,” which should be presented in drawings under 37 C.F.R. § 1.81(c). In response, Applicants submit herewith, at Appendix C, new sheets with new drawing Figures 1-16 presenting the chemical reaction “schemes” originally set forth on pages 31-51 of the specification. Marked-up and clean copies of a substitute specification are

also provided, at Appendices A and B, respectively, in which the objected to reaction “schemes” have been deleted. The new figures and substitute specification do not introduce new matter.

It is believed that these submissions obviate the Examiner’s objections to the specification. Applicants therefore respectfully request that the objections to the specification be withdrawn.

D. The Rejections Under 35 U.S.C. § 112 Should Be Withdrawn

The pending claims have been rejected under the first and second paragraphs of 35 U.S.C. § 112, as failing to comply with the written description requirement and as being indefinite, respectively. In particular, the patent Examiner objects that “[c]laims 1 and 16 recite a variable Y in the formula, however there is no definition for Y in the claim. Thus it is unclear what is intended by the recitation of Y.” *Office Action* at page 3. Similarly, the Examiner asserts that, because the substituent Y is not defined in those claims, “one cannot describe the compound or any member of genus therein as the chemical structure is incomplete.” *Id.*

In response, Applicants respectfully point out that independent claims 1 and 16 have both been amended, *supra*, to specify that Y is the chemical moiety CO. Applicants submit that the amendment obviates the rejections under 35 U.S.C. § 112, and respectfully request that they be withdrawn.

E. The Rejections for Double Patenting Have Been Obviated

The pending claims have been rejected under the judicially created doctrine of obviousness-type double patenting, as unpatentable over claims 1-49 and 57-72 of U.S. Patent No. 7,084,245 (the “ ‘245 patent”); as unpatentable over claims 1-13 of U.S. Patent No. 7,414,105 (the “ ‘105 patent”); and as unpatentable over claims 15-34 of U.S. Patent No. 7,528,104 (the “ ‘104 patent”). However, the Office Action indicates that a terminal disclaimer may be used to overcome the rejection.

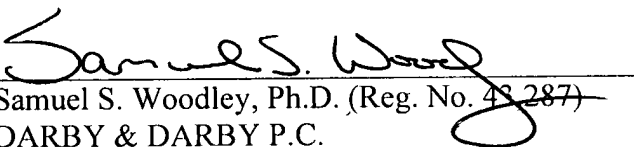
In order to expedite an allowance of this application, and without comment or admission as to the merits of these rejections, a Terminal Disclaimer is submitted with this response for each of the cited '245, '105 and '104 patents. The estimated Terminal Disclaimer fees required under 37 C.F.R. §§ 1.321(b)(4) and 1.20(d) are also submitted. It is therefore believed that the rejections for obviousness-type double patenting have been obviated, and Applicants respectfully request that they be withdrawn.

F. Conclusion

In view of the foregoing, Applicants respectfully submit that each basis for objection and rejection has been overcome and/or obviated, and that this application is now in condition for allowance. Accordingly, entry of the foregoing amendments, rejoinder of the withdrawn species claims and allowance of this application are all respectfully requested. The Examiner is invited to contact Applicants' undersigned representative should he believe that there are any remaining issues that could be resolved, *e.g.*, in a Supplemental Response or by an Examiner's Amendment. An allowance is earnestly sought.

Respectfully submitted,

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Attachments:

- Exhibit A: Substitute specification (with markings to indicate changes);
- Exhibit B: Substitute specification (clean copy); and
- Exhibit C: New Drawing Sheets, with new Figures 1-16.